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**ATTORNEY FOR PLAINTIFF**  
**United States of America**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**MISSOULA DIVISION**

<b>UNITED STATES,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>\$4,012.00 in U.S. Currency,</b>  <b>Defendant.</b>	<b>CV 13-____-</b>  <b>VERIFIED COMPLAINT</b> <b><i>IN REM</i></b>
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Plaintiff, United States of America, by its attorney, Victoria L. Francis, Assistant United States Attorney for the District of Montana, brings this complaint and alleges as follows:

## **NATURE OF THE ACTION**

1. This is an action to forfeit and condemn to the use and benefit of the United States of America the following property: United States currency in the amount of \$4,012.00 for violations of 21 U.S.C. §§ 841 and 881(a)(6).

## **JURISDICTION AND VENUE**

2. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant property under 21 U.S.C. § 881. This Court has jurisdiction over the action under 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper in this district, pursuant to 28 U.S.C. §§ 1355(b)(1)(B) and 1395(b) or (c), because this is a civil proceeding for the forfeiture of property that was found in this district.

## **THE DEFENDANT *IN REM***

4. The defendant consists of the following property: United States currency in the amount of \$4,012.00 more or less seized from a storage locker in Missoula, Montana.

## FACTS

5. In early 2013, Missoula Drug Task Force Officer Geoff Curtis (TFO Curtis) received information from two confidential sources that Daniel Roy was distributing up to multi-pound quantities of methamphetamine. One of the confidential sources reported that Daniel Roy had received some type of settlement in which he obtained approximately \$20,000 around November 2012. Around that same time Roy began making monthly trips, via rental vehicles, to Washington to obtain pound quantities of methamphetamine to bring back to Montana for distribution.

6. Drug Enforcement Agency Special Agent Lee Herd obtained rental agreements from Missoula Dollar Rent-A-Car that demonstrated that Roy had rented vehicles consistent with some of the time frames indicated by one of the confidential sources.

7. TFO Curtis had also received information from a confidential source that Roy had a storage unit where he kept a safe, and that after making methamphetamine runs, Roy would leave the bulk of his methamphetamine in the safe and return to the storage unit as needed to replenish his supply. The confidential source stated that Roy had

bragged about keeping money in his safe as “go” money in case Roy felt the cops were after him and he had to get out of town. The confidential source also stated that Roy told him that he kept firearms that were given to him as payment for a bad drug debt inside the storage unit and inside Roy’s trailer.

8. Missoula Drug Task Force Officers were able to determine that Roy had a storage unit at Rainbow Mini Storage in Missoula. Surveillance cameras were installed in the vicinity of the unit by DEA SA Herd.

9. On or about January 23, 2013, a confidential source told TFO Curtis that Roy was planning on making a trip soon to get more methamphetamine from a different source in California. On or about January 25, 2013, Missoula Drug Task Force Officer Mike Hebert applied for and received a tracker warrant. On that same day TFO Hebert placed the tracker on an Enterprise rental car that was rented by Roy. TFO Hebert observed Roy rent a vehicle from Enterprise and also observed him traveling to his storage unit at Rainbow Mini Storage, where Roy was observed removing a large black plastic storage container and placing it in the storage unit. Roy then drove his vehicle



to his trailer and later that evening left Missoula in the rental. During the course of surveillance the rental vehicle traveled to Las Vegas, Nevada, and then to California.

10. On or about February 1, 2013, the rental vehicle was determined to be traveling north and likely back to Montana. Search warrants were obtained for the vehicle Roy had rented from Enterprise, a 2012 black Chrysler 200 LX, bearing Washington plates, and for the trailer in which Roy lived in Missoula and the storage unit at Rainbow Mini Storage.

11. On or about February 2, 2013, Missoula County Sheriff's Deputies conducted a traffic stop on the rental vehicle Roy had rented on Interstate 90. Roy was in the vehicle as well as two passengers. During the search of the vehicle two lock boxes were found in the trunk of the vehicle. The keys to the lock boxes and the storage unit were found on Roy's key ring. The larger of the two lock boxes was found to contain a large plastic zip-lock bag that further contained what appeared to be approximately 1 pound of suspected crystal methamphetamine and a Witness .40 caliber S&W handgun with a loaded magazine. The smaller of the two lock boxes contained a plastic

zip-lock bag containing suspected crystal methamphetamine, various drug paraphernalia items including pipes, needles, and stash cans. Also found in the vehicle were several cell phones and various items of personal property belonging to Roy. Roy also had a small amount of suspected methamphetamine on his person.

12. The storage unit rented by Roy was also searched. From the unit 37.1 gross grams of suspected methamphetamine were found and seized, and 30.7 grams of suspected cocaine was found and seized as well as user quantities of suspected heroin. Also in the storage unit \$4,012.00 in U.S. Currency was located in a large gun safe and seized along with several guns and high capacity ammunition. It was packaged in \$1000 increments and rubber banded.

13. NIC tests were completed on the suspected methamphetamine, cocaine, and heroin, which resulted in a presumptive positive for each of the suspected substances. DEA lab analysis has been completed and the tests determined the illegal drugs to be methamphetamine, cocaine, and heroin.

14. On February 5, 2013, DEA Special Agent Lee Herd obtained a Federal Criminal Complaint and Warrant out of the District of

Montana, Missoula Division, charging Daniel Roy with conspiracy to distribute methamphetamine and possession of a firearm in furtherance of a drug crime. Roy has been arrested and has pled guilty to conspiracy to distribute methamphetamine in violation of 21 U.S.C. § 846 and possession of a firearm in furtherance of a drug crime in violation of 18 U.S.C. § 924(c)(1)(A) in CR-13-09-M-DWM.

15. The totality of the circumstances demonstrates a substantial connection that the defendant currency was furnished or intended to be furnished in exchange for a controlled substance, and or was used or intended to be used to facilitate one or more violations of 21 U.S.C. § 841, *et seq.* The circumstances include, but are not limited to the following: the location of the large sum of United States currency in the gun vault in the storage unit as well as firearms which is consistent with reports from confidential informants that Roy had received guns in exchange for drug debt and was storing the same in the storage unit, the manner of packaging of the currency, more than one confidential source reporting that Roy commenced distribution of pound quantities of methamphetamine after Roy had obtained money from a settlement, actually finding large amounts of methamphetamine and cocaine in



Roy's rental vehicle and also in the storage unit, as well as a firearm, Roy's travel to known drug distribution locations in his rental vehicles, and reports by at least one confidential informant that Roy kept a stash of money in his storage unit as get-away money to facilitate his conspiracy to distribute.

### **CLAIM FOR RELIEF**

16. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 15 above.

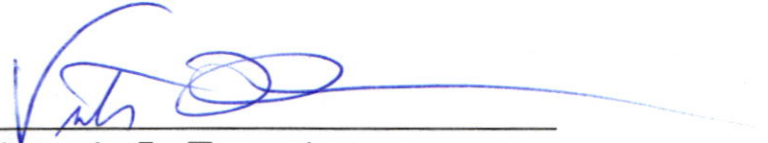
17. The defendant currency constitutes monies or other things of value furnished or intended to be furnished in exchange for a controlled substance, and/or were used or intended to be used to facilitate one or more violations of 21 U.S.C. § 841, *et seq.*

18. As a result of the foregoing, the defendant property is liable to condemnation and forfeiture to the United States for its use, in accordance with 21 U.S.C. § 881(a)(6).



**DATED** this 24th day of June, 2013.

**MICHAEL W. COTTER**  
**United States Attorney**



**Victoria L. Francis**  
**Assistant U.S. Attorney**  
**Attorney for Plaintiff**


## VERIFICATION

I, Drug Enforcement Administration Special Agent, Lee Herd, hereby verify and declare under penalty of perjury that I have read the foregoing Verified Complaint *in Rem*, and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except those matters stated to be alleged on information and belief, and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with other law enforcement officers.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

DATED this 24<sup>th</sup> day of June, 2013.

  
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Lee Herd, Special Agent  
Drug Enforcement Administration